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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,303	12/20/2001	Stephane Bouet	4208-4067	1310
27123	7590	09/22/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			VU, VIET DUY	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,303

Applicant(s)

BOUET, STEPHANE

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2154

Non-Art Rejections:

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-8 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being invalid multiple dependent claims because they depend on other multiple dependent claims.

Art Rejections:

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao, et al, U.S. pat. No. 5,657,450.

Per claim 1, Rao discloses a system and method for providing status of a process at a client comprising:

Art Unit: 2154

- a) a sending server configured to transmit a plurality of status indicators associated with a data transfer to a receiving client via a network (see col 2, lines 6-14),
- b) means for displaying the status indicators at the receiving client (see col 11, lines 7-16).

Rao does not explicitly teach transmitting the status indicators with the data packets via a wireless network. It is taken that Rao's teachings encompass any conventional networks including wireless networks for transmitting data between the server and client.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any conventional networks including wireless networks in Rao because it would have enabled implementing Rao's invention.

Per claim 9, Rao teaches providing at the sending server a collector for collecting statistical parameters of data transfers (see col 5, lines 3-17) and an analyzer for analyzing the statistical parameter for use in developing predictive models for calculating estimates for the download status indicator (see col 5, lines 29-56).

Rao does not explicitly show a transmitter for sending the download status indicator to the receiving client.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any conventional data transmitter in Rao because it would have enabled implementing Rao's invention.

Per claims 10-13, it would have been further obvious to one of ordinary skill in the art to implement Rao's invention using any known server and client configurations.

5. Claims 2-8 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao, et al, U.S. pat. No. 5,657,450, and further in view of Nguyen et al, U.S. pat. No. 6,377,978.

Per claim 2, Rao's teachings are still applied as set forth in item 4 above. Rao does not explicitly teach transmitting status indicators within the packet headers of the data transfer. The use of message/packet headers for conveying status parameters and/or other control information of a data transfer is well known in the art as evidenced by Nguyen (see Nguyen in col 4, lines 4-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize message/packet headers for transmitting status indicators in Rao because it would have enabled delivering status indicators for a particular data transfer from the sending server to the receiving client.

Art Unit: 2154

Per claims 3-8 and 14-15, Nguyen also teaches using different visual indicators including pictures and bars to show a download progress (see Nguyen in col 6, lines 25-55).

It would have been further obvious that the combined teachings of Rao and Nguyen would have been applicable to any conventional computer systems and network protocols.

Conclusion:

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU
PRIMARY EXAMINER

Art Unit 2154

9/16/05